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UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Alain DELACHE et al.

2008 NOV 17 PM 4:55

Art Unit: 3771

Application Number: 10/506,980

Examiner: Kristen C. Matter

Filed: September 8, 2004

Confirmation Number: 8796

For: AIR ASSISTANCE APPARATUS FOR COMPUTING THE AIRFLOW
PROVIDED BY ONLY MEANS OF PRESSURE SENSORS

Attorney Docket Number: 062221

Customer Number: 38834

REQUEST FOR REFUND

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

November 14, 2008

Sir:

On September 15, 2008, a Correction of Entity Status was filed, stating that the Assignee became a large entity on March 26, 2008. Along with the Correction of Entity Status, a payment was submitted for the difference between the large entity and small entity rates for the fees associated with the Amendment filed on March 28, 2008. The difference amounted to \$1155.00. A check for \$1155.00 for the difference in fees was included. Submitted herewith is a copy of the date-stamped return post card that indicates receipt of the Correction of Entity Status and the check.

However, it is believed that this payment was in error and unnecessary. According to 37 CFR 1.27(g)(1), "Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due." Therefore, it was

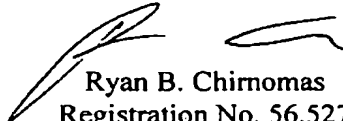
Application No.: 10/506,980
Art Unit: 3771

Request for Refund
Attorney Docket No.: 062221

unnecessary to pay the fees associated with the Amendment filed on March 28, 2008 at the large entity rate. It is noted that on September 5, 2008, the issue fee was paid at the large entity rate.

In view of the above, it is respectfully requested that the Patent Office refund the amount of \$1155.00 to Deposit Account 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Ryan B. Chimomas
Registration No. 56,527
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

RBC/nrp

Enclosures: Copy of Correction of Entity Status filed September 15, 2008
Copy of Check # 23662 for \$1155.00



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WESTERN WATER, CANALS & IRRIGATION, L.P. 1000 WEST 10TH AVENUE, SUITE 100 DENVER, CO 80202		23662	
DATE: 09/23/2008		AMOUNT: \$1,155.00	
PAY TO THE ORDER OF: U.S. DEPARTMENT OF COMMERCE		DATE: 09/23/2008	
FOR DEPOSIT ONLY		DATE: 09/23/2008	
"ONE THOUSAND ONE HUNDRED FIFTY FIVE AND 00/100 DOLLARS"		DATE: 09/23/2008	
COMMISSIONER OF PATENTS AND TRADEMARKS		DATE: 09/23/2008	
PO BOX 1430		DATE: 09/23/2008	
ARLINGTON, VA 22203-1430		DATE: 09/23/2008	
FD-36 (Rev. 10-1-95)		DATE: 09/23/2008	
23662		23662	
\$1,155.00		\$1,155.00	
09/23/2008		09/23/2008	

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U.S. Patent Application
Serial No. 10/506,980
Applicant: Alain DELACHE et al.
Papers filed herewith on September 15, 2008

Docket No. 062221
Filed September 8, 2004

Correction of Entity Status
Check for \$1155.00



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COMMISSIONER OF PATENTS
Receipt is hereby acknowledged of the papers filed as indicated
in connection with the above-identified case.

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OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re the Application of: **Alain DELACHE et al.**

Art Unit: 3771

Application Number: **10/506,980**

Examiner: **Kristen C. Matter**

Filed: **September 8, 2004**

Confirmation Number: **8796**

For: **AIR ASSISTANCE APPARATUS FOR COMPUTING THE
AIRFLOW PROVIDED BY ONLY MEANS OF PRESSURE
SENSORS**

Attorney Docket Number: **062221**

Customer Number: **38834**

CORRECTION OF ENTITY STATUS

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

September 15, 2008

Sir:

In accordance with 37 CFR 1.28(c), Applicants respectfully request correction of entity status.

This application ceased to qualify as a "small entity" on March 26, 2008 (two days prior to the filing of an Amendment and Petition for Extension of Time filed on March 28, 2008). As such, the fees should have been paid at the large entity rate, but were erroneously paid at the small entity rate.

Because the Applicants' Representative did not know of the assignee's change in entity status at the time of the filing of March 28, 2008, it is respectfully submitted that error in maintaining small entity status was in good faith. Applicants respectfully request that the Office change the status of this application to "large entity" status.

Application No.: 10/506,980
Art Unit: 3771

Correction of Entity Status
Attorney Docket No.: 062221

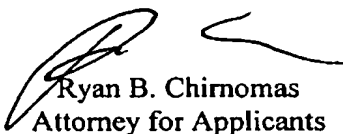
A check in the amount of \$1,155.00 is enclosed to cover the deficiency.

Fee type	Previously Paid	Present fee	Deficiency
Total claims in excess of twenty	$\$25 \times 21 = \525	$\$50 \times 21 = \1050	\$525
Independent Claim in excess of three	$\$105 \times 1 = \105	$\$210 \times 1 = \210	\$105
Petition for Extension of Time (3 months)	\$525	\$1050	\$525
Totals	\$1155	\$2310	\$1155

All future fees associated with the prosecution of this application will be paid at the "large entity" status rates.

If any additional fees are due in connection with this paper, please charge Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP


Ryan B. Chirnomas
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